

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-5, 7-10 and 13-15 under 35 U.S.C. § 103(a) as allegedly being made “obvious” based on Staples ‘845 in view of Gruchala ‘953 and in further view of Morganstein ‘504 is respectfully traversed.

The Applicants’ invention provides a method and apparatus enabling a user (in a temporarily assigned physical location serviced by a CTI system) to be associated with a unique phone number such that when that number is called, the phone call is put through to the user's current physical location. A number of translation tables are used to enable the unique phone number to be associated with the phone number/network address at which the user is currently physically located. Translation tables are also used to enable the user's unique phone number to be presented as the CLI, regardless of the phone number/network address at which the user is currently physically located. The user of a CTI system may be either a local or a remote user of the system.

Thus, if person A is at his/her desk then incoming calls to his/her unique number will be routed to him/her and outgoing calls from him/her will carry CLI data containing his/her unique number. If he/she has cause to move to a different desk in the office, or even to a remote location, then, once he/she has registered with the system then incoming calls to his/her unique number will be routed to his/her new location. Also, outgoing calls from him/her will carry CLI data containing his/her unique number.

The present invention addresses the issue of providing CLI data that is uniquely associated with a user while being responsive to changes in the physical location of the user.

Staples discloses a remote access system for telecommuters or 'road warriors' such that they can access email and phone systems remotely and work as if they were present in the office, rather than working remotely. Staples discloses that phone calls are forwarded to the user, but there is little disclosure of how the remote user's CLI is presented.

Gruchala discloses a system for a group of remote workers in which, if the appropriate access codes are entered, a telephone call will appear to originate from a group (e.g. a company) and be billed to the group's account, so that remote workers appear to be under a corporate umbrella. If no access codes are entered then the call is placed in a conventional manner, i.e. the call will have the user's CLI data presented, the call will be billed to the user's account & the caller's long distance carrier will be used. See column 4, lines 19-27 & column 4 lines 48-53.

Morganstein discloses a system that uses what appears to be a conventional telephone switching system 34 connected to various human attendants headsets 60 via the usual conventional subscriber lines 42. In parallel with this conventional telephone system, there is a host computer 18 which drives attendant position data terminals 22 with data from a database 20. While there is a data link 40 between the call processor 30 and the host computer 18, Morganstein makes it very clear that the telephone switching system 34 operates autonomously with respect to the host computer 18 (see, for example, 5: 56-59). In particular, neither directly controls the other. Instead, the telephone switching system 34 operates in its "traditional manner with the conventional inputs and outputs, as does the host computer 18" [5: 59-61].

It is true that Morganstein employs a lookup table 110 that can provide a current association between each attendants location and a data terminal 22 of the host computer system. However, this is for the purpose of permitting the host computer 18 to drive the appropriate data display terminal 22 -- not for use in directing incoming telephone calls to any particular attendant position. That is, Morganstein is essentially irrelevant with respect to the Applicant's claimed invention.

Gruchala discloses that a teleworker may place a call from home but that the call will appear to have been originated from the teleworker's employer. The call will be billed to the company, be carried by a network carrier selected by the company and will carry a caller ID associated with the company. If the worker does not elect to use a privacy code (see column 6 lines 11-17) then no caller ID data is sent with the call.

It can be seen that Gruchala discloses the modification of an individual's CLI to that of the group that the individual is a member of. However, integer (a)(iii) of present claim 1 recites (*inter alia*):

"the setup signalling message having a calling line identity field containing the obtained corresponding simulated consistent calling line identity, the simulated consistent calling line identity also enabling calls to be delivered to the party associated with the simulated CLI"

By modifying an individual CLI to a group CLI it is not possible to associate the individual to a call, nor is it possible to deliver a call to an individual based upon the group CLI.

Similarly, with reference to integer (b)(i) of Claim 1, there is no disclosure in Gruchala that a simulated consistent CLI can be identified with an actual CLI which is permanently

associated with a party: thus by following the teaching of Gruchala it is not possible to route a call to an individual based on the group CLI.

Thus, it can be seen that the disclosure of Gruchala teaches away from the present invention. The Examiner alleges that the present invention is disclosed by a combination of Staples & Gruchala and Morganstein but none of these appear to be directed towards the problem addressed by the present invention. Instead each is directed towards completely different problems and do not even acknowledge the problem that is addressed by the present invention.

The above is also believed to distinguish the other independent claims (7 & 13) from the cited references. In *KSR v Teleflex*, the following is noted:

"One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent's claims" [page 16, para 1 of the SCOTUS judgement]

In this case, based on the teachings of the cited art, the Applicants' invention addresses a problem that was apparently not recognized at the time that the present application was filed. Furthermore, the Examiner has ignored the explicit teachings of the cited art. With the benefit of hindsight the Examiner has cherry picked features which most closely resemble the claimed features -- and reinterpreted them to fit an argument. However this does not demonstrate how the person of ordinary skill in the art would be motivated to arrive at the teaching of the present invention, based on the teaching of the cited art.

The Examiner has admitted that neither Staples or Gruchala alone or in combination teach integers b(i) or b(ii) -- namely using an incoming DNIS to identify a simulated consisted

CLI associated with an actual CLI permanently associated with a party and then to connect an incoming call to the current location of the party so identified.

To supply this admitted deficiency, the Examiner relies upon Morganstein and specifically cites to 6:1-7; 8:4-68; and 9:1-10. However, these passages of Morganstein relate to selection by the host computer 18 of an appropriate data display terminal 22 -- not having anything to do with connecting an incoming call to a current location of a called party having a simulated consistent CLI associated with an actual permanently associated CLI. Accordingly, Morganstein fails to supply the admitted deficiency of Staples and/or Gruchala.

In particular, even if all three of the referenced teachings are somehow combined *arguendo*, the Morganstein system would operate autonomously with respect to the telephone switching system -- and would clearly fail to supply the admitted deficiency of both Staples and Gruchala with respect to the telephone switching system.

Given such fundamental deficiencies of all three cited references with respect to the above discussed features of Applicants' independent claims 1, 7, and 13, it is not believed necessary at this time to discuss the additional deficiencies of these references with respect to other features of the rejected independent claims or dependent claims.

The rejection of claim under 35 U.S.C. § 103 as allegedly being made "obvious" based on Staples/Gruchala/Morganstein in further view of Kahn '438 is also respectfully traversed.

Fundamental deficiencies of the first, second and third references have already been discussed above with respect to parent claim 1. Kahn does not supply those deficiencies. Accordingly, it is not believed necessary at this time to discuss the additional deficiencies of this

allegedly "obvious" combination of bits and pieces selected with hindsight from four different prior art references with respect to the additional features added by dependent claim 6.

The Examiners' hindsight selection of bits and pieces from numerous prior art references itself is a demonstration of the non-obviousness of Applicants' claimed invention.

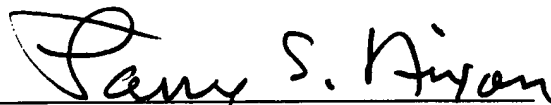
KSR did not ignore the dangers of hindsight: "A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant on ex post reasoning." KSR Int'l Co. v. Teleflex, Inc., 550 US. ___, 82 USPQ2d 1385, 1397 (2007). Although the Court rejected the "[r]igid preventive rules," id., that had been erected by the Federal Circuit, it did not enable the use of hindsight in determining obviousness.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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